



South Dakota Board of Examiners for Counselors & Marriage and Family Therapists

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South Dakota Board of Examiners for Counselors & Marriage and Family Therapists Regular Meeting

Thursday, March 30, 2017 & Friday, March 31, 2017

President Rice Brinkworth called the meeting to order at 11:30 am central and determined a quorum.

Board Members Present: Lynell Rice Brinkworth, Tacey Braithwaite, Sherry Bartels, Sherwood Schrenk, Jill Schoen, Cheryl Hartman, Roswitha Konz and Tiffany Butler

Board Members Absent: Darrel Kessler

Others Present: Jennifer Stalley, Executive Secretary; Jim Carlon, legal counsel; Amy Iversen-Pollreisz, Deputy Secretary, Department of Social Services; Susan Meyerle, Jay Trenhaile, Kelly Marker and Troy Fuerst

Motion to approve the proposed agenda by Braithwaite. Seconded by Butler. Motion carried.

Rice Brinkworth asked for comments from the public. Jay Trenhaile, Susan Meyerle and Troy Fuerst addressed the board.

Motion to approve the meeting minutes of December 9, 2016 with clarifications on page 3 by Schrenk. Seconded by Konz. Motion carried.

Motion to approve the financial report as of February 28, 2017 by Butler. Seconded by Konz. Motion carried.

Stalley provided the Board with a list of new licensee since December 9, 2016.

Stalley shared correspondence from Thomas Price regarding the passage of House Bill 1183. Iversen-Pollreisz explained how the changes in state law would be implemented. No specific follow up was recommended concerning the correspondence or the law change.

Stalley updated the Board on the invitation for the Board to attend the South Dakota Counseling Association annual meeting and the invitation to address students at Sioux Falls Seminary. Schoen and Stalley will present to each group on May 4th on behalf of the Board.

Stalley and Schoen updated the Board on the review process for new Plans of Supervision. Schoen indicated the process is working well and over 30 plans have been reviewed under the

new process. Stalley indicated that applicants for Plans of Supervision are vetted through the National Practitioners Database for any previous licensing issues before being considered for approval.

Stalley provided the Board an update on the 2016 renewal: 21 LPC licensees, 4 LPC-MH licensees and 1 LMFT licensee have not renewed their license. These licensees have until July 1st to renew their license with a late fee.

Rice Brinkworth and Konz reported on their attendance of the AASCB Conference.

The Board discussed meeting dates for upcoming national meetings that the Board usually sends a representative. The Board instructed Stalley to send out the meeting dates so Board members can indicate availability and interest in attending.

The Board discussed the opportunities presented by moving to an online database for licensees and applicants. Preliminary estimates for developing a database are \$40,000 with an ongoing annual software license fee. The Board instructed Stalley to gather more information concerning database features.

The Board discussed the Health Professionals Assistance Program for professional licensees with substance abuse or mental health issues who would otherwise be subject to disciplinary actions. The program requires a minimum fee to access services for licensees. The Board indicated that past complaints have not indicated a high likelihood these services would be needed. The Board instructed Stalley to continue to monitor the program for applicability to licensees.

Motion to go into executive session for consideration of contested cases at 1:22 pm by Schoen. Seconded by Konz. Motion carried.

Motion to come out of executive session at 3:30 pm by Konz. Seconded by Butler. Motion carried.

Motion to adopt the Findings of Fact and Conclusions of Law and sign the Order in the Matter of the approved supervisor application of Duane Kavanaugh by Konz. Seconded by Hartman. Motion carried. Schrenk abstained.

Motion to adopt the Findings of Fact and Conclusions of Law and sign the Order in the Matter of the LPC-MH application of Jennifer Zerfas by Schrenk. Seconded by Konz. Motion carried. Bartels and Schoen abstained.

Motion to renew the legal services contract with Carlon Law Office under the current terms by Schrenk. Seconded by Hartman. Motion carried.

Motion to renew the executive services contract with Midwest Solutions under the current terms by Butler. Seconded by Konz. Motion carried.

The Board informally discussed possible updates or changes to state laws and administrative rules governing license professional counselors, licensed professional counselors-mental health and licensed marriage and family therapists. The Board instructed Rice Brinkworth, Bartels, Butler and Stalley to continue identifying possible changes and provide preliminary recommendations to the Board at the next meeting.

Motion to recess the meeting until 8:00 am, Friday, March 31, 2017, by Schrenk. Seconded by Braithwaite. Motion carried.

The Board reconvened at 8:02 am, Friday, March 31, 2017. Rice-Brinkworth declared a quorum.

Board Members Present: Lynell Rice Brinkworth, Tacey Braithwaite, Sherry Bartels, Sherwood Schrenk, Jill Schoen, Cheryl Hartman, Roswitha Konz and Tiffany Butler

Board Members Absent: Darrel Kessler

Others Present: Jennifer Stalley, Executive Secretary; Jim Carlon, legal counsel; Steven Blair, Assistant Attorney General, and Cullen McNeece, Assistant Attorney General.

Motion to go into executive session for consideration of contested cases at 8:03 am by Hartman. Seconded by Schrenk. Motion carried.

Motion to come out of executive session at 8:37 am by Schoen. Seconded by Konz. Motion carried.

Motion to offer a settlement resolution in Complaint 2016-04 by Butler. Seconded by Braithwaite. Motion carried.

Motion to request relinquishment of the license or proceed to a hearing in Complaint 2016-05 by Schrenk. Seconded by Butler. Motion carried.

The Board noted the time and place for the application hearing of Carey A. MacCarthy. MacCarthy appeared before the Board and presented information concerning her application for LPC-MH by reciprocity.

Motion to go into executive session for consideration of contested cases at 9:42 am by Konz. Seconded by Hartman. Motion carried. Schoen was excused from the executive session.

Motion to come out of executive session at 10:01 am by Schrenk. Seconded by Konz. Motion carried.

Motion to deny the application for LPC-MH by reciprocity of Carey A. MacCarthy by Butler. Seconded by Bartels. Motion carried. Schoen abstained.

The Board noted the time and place for the complaint hearing in Complaint 2014-05. The licensee appeared before the Board with legal counsel and presented information concerning the complaint. Konz was excused from the proceedings.

Motion to go into executive session for consideration of contested cases at 3:11 pm by Braithwaite. Seconded by Butler. Motion carried. Konz was excused from the executive session.

Motion to come out of executive session at 4:09 pm by Schrenk. Seconded by Butler. Motion carried.

Motion to revoke the license of the licensee in Complaint 2014-05 by Butler. Seconded by Bartels. Motion carried. Konz abstained.

The next meeting date is schedule for June 15-16, 2017 in Sioux Falls. Future meetings are scheduled for September 29, 2017, in Pierre, and December 8, 2017 in Pierre.

Motion to adjourn by Schrenk. Second by Butler. Motion carried.

The Board adjourned at 4:11 pm.

Respectfully Submitted,

Jennifer Stalley, Executive Secretary